

Amendment No. 2 to HB1298

**Jones S
Signature of Sponsor**

AMEND Senate Bill No. 1652

House Bill No. 1298*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-108(a), is amended by designating the existing language as subdivision (1) and adding the following new subdivisions (2) and (3):

(2) Only a licensed child placing agency, as defined in § 36-1-102; a licensed clinical social worker, as defined in § 36-1-102; prospective adoptive parents, or a lawyer who is subject to the Tennessee Supreme Court rules regarding lawyer advertising may advertise for the placement of children for adoption in this state. In order to advertise for the placement of children for adoption in Tennessee, out-of-state licensed child placing agencies, licensed clinical social workers or lawyers must:

(A) Be authorized to do business in this state under respective licensing laws; and

(B) Maintain a physical office within the state of Tennessee or incur expenses involved in the transportation of a licensing consultant to the closest physical office of the agency, social worker or lawyer.

(3) Any advertisement in Tennessee for the placement of children for adoption in another state by an agency or individual not licensed or authorized to do such business in Tennessee shall clearly state that the agency or individual is not licensed or authorized to do such business in Tennessee.

SECTION 2. Tennessee Code Annotated, Section 36-1-108(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(b)

(2)

(A) In the business of arranging services or assistance directed primarily, and not as an incidental part of its primary business, toward bringing to or placing with prospective adoptive parents a child or children for the purpose of foster care leading to adoption or as an adoptive placement for a child or children, including but not limited to, advertising for such services, accepting clients for a fee, or providing any placing services for a fee.

(B) Nothing in subdivision (b)(2)(A) shall include the provision of reasonable and necessary legal services related to the adoption proceedings, or medical or counseling services for the child or the parent in connection with the child's birth or in connection with the parent's decision to relinquish the child for adoption or for counseling services for the prospective adoptive parents.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.